REVIEWED BY EBschmelzer DATE 7/2/85
XDS ☐ or XDS ☐ EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED ☐ RELEASABLE ☐
RELEASE DENIED ☑ in part
FOIA or FOI EXEMPTIONS b-1, a3, b5

DEPARTMENT OF STATE

ACTION MEMORANDUM

DELIVERED DIRECTLY TO D
NOT REVIEWED BY S/S

EXCISE

April 29, 1978

CONFIDENTIAL
LIMDIS

The original of the lette to Sen. Church was hand-called to the Hill by the Deputy Secretary, 4/27/78

TO: The Secretary

THROUGH D - Warren Christopher
T - Lucy Wilson Benson

FROM: H - Douglas J. Bennet, Jr.

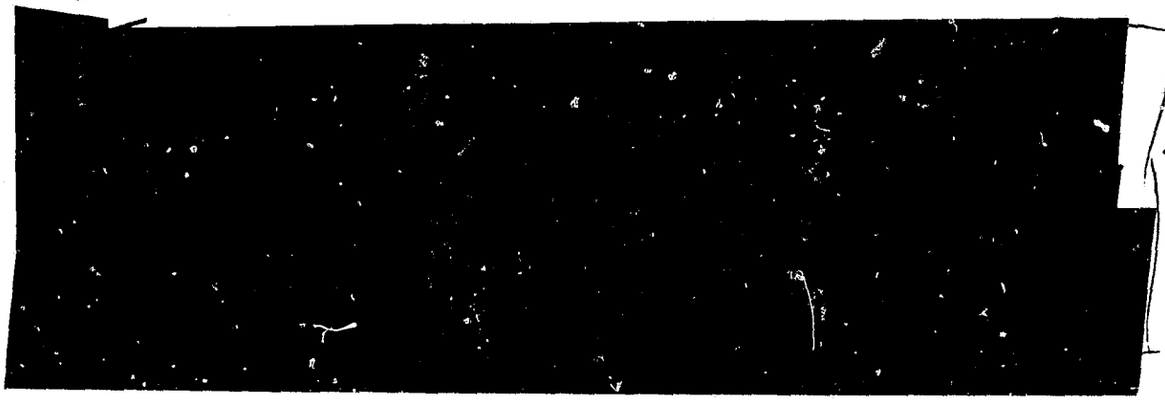
Church Letter on the Middle East Aircraft Package

Issue for Decision

How to respond to Frank Church's letter expressing misgivings over the precedent of presenting the Middle East aircraft proposals as a "package."

Essential Factors

Frank Church has written to express his misgivings over the precedent of linking together our proposals to sell aircraft to Israel Egypt and Saudi Arabia. He urges the Administration to "submit the proposed sales on an unlinked basis." Church has also expressed these misgivings to the President in a meeting held on April 24. Others in the Senate are believed to share the view that the package approach, in Church's words, "frustrates the legislative prerogative of the committee as contemplated by Section 36(b) of the Arms Export Control Act of 1971."



a3
b5

DECLASSIFIED

NSC: 42-[redacted]

[redacted] b5

Recommendation:

That you sign the attached letter to Frank Church.

Letter revised in D

Attachments:

TAB 1 - Response to Church letter

TAB 2 - 4/21 letter from Church

Drafted: H:JBAtwood:sas
4/25/78

Drafted: Letter to Senator Church:H:JBAtwood/NEA:HSaunders

DECLASSIFIED

7807917

NEA

THE SECRETARY OF STATE

WASHINGTON

DECLASSIFIED

Ct. 1A1
RA
EGY
ARP
NV

April 26, 1978

Dear Frank:

Dist to:
D
P
S/S-S
TMB
NEA
PM
RF(leb)

Your letter of April 21 expressed misgivings about the submission of the Middle East aircraft sales notifications as a "package". In response, I would like to reiterate and expand upon what I said in our meeting this morning. I understand your concerns and want to assure you that each of the three proposed sales will be the subject of a separate certification to the Congress. I agree with your interpretation that Section 36(b) of the Arms Export Control Act clearly envisages Congressional review of proposed sales on an individual basis, and I assure you that the Administration will do nothing to frustrate such review. We will be submitting separate certifications and we fully expect that each of the proposed transfers will be examined on its own merits.

We believe, however, that the realities of the Middle East situation require that these sales be considered together as well as separately. Most important, as we look to the future in the Middle East, we believe U.S. interests require that the United States maintain close relationships with Israel and with the key moderate Arab governments. In order to pursue the full range of American interests in the area, beginning with our paramount interest in peace, we must work carefully with all of those governments.

Each of the governments we are dealing with has a unique contribution to make as we move toward the

The Honorable
Frank Church,
Committee on Foreign Relations,
United States Senate.

DECLASSIFIED

DECLASSIFIED

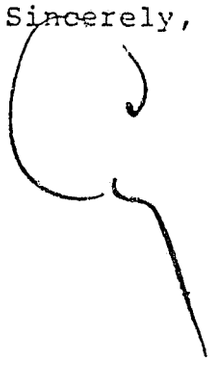
common goal of achieving a just and lasting peace in the Middle East. Our close collaboration with each in the field of security, which is essential to their well-being and stability, is a central part of our cooperation with them. It is our view that these governments will all be more forthcoming in efforts to reach a Middle East settlement if their basic security needs are met.

For these reasons, and because it is necessary to view these sales together in light of their importance to maintaining a regional military balance, we believe that the sales must be considered as part of a coherent policy. To reject one of them would be to throw that policy out of balance. Therefore, although we agree with you that each sale should be considered on its merits, we strongly urge that the Congress also consider the totality of our policy in the Middle East, and we wish to apprise you of our intention to handle this matter with this larger foreign policy purpose in mind.

Finally, our concurrent submission of these proposals does not constitute a precedent for the handling of future sales to the Middle East or any other region.

The Administration looks forward to working with the Foreign Relations Committee as you assess our justification for these important proposals.

Sincerely,



DECLASSIFIED

FRANK CHURCH, IDAHO
CLAIBORNE PELL, R.I.
GEORGE McGOVERN, S. DAK.
HUBERT H. HUMPHREY, MINN.
FRANK CLARK, IOWA
JOSEPH R. BIDEN, JR., DEL.
JOHN GLENN, OHIO
RICHARD (DICK) STONE, FLA.
PAUL S. SARBANES, MD.

CLIFFORD P. CASE, N.J.
JACOB K. JAVITS, N.Y.
JAMES B. PEARSON, KANS.
CHARLES H. PERCY, ILL.
ROBERT P. GRIFFIN, MICH.
HOWARD H. BAKER, JR., TENN.

United States Senate

COMMITTEE ON FOREIGN RELATIONS

NORVILL JONES, CHIEF OF STAFF
ARTHUR M. KUHL, CHIEF CLERK

WASHINGTON, D.C. 20510

DECLASSIFIED

April 21, 1978

The Honorable Cyrus R. Vance
Secretary of State
Washington, D. C. 20520

My dear Mr. Secretary:

It is my understanding that soon you will be submitting the formal notifications on the proposed Middle East aircraft sales as a "package" to the Senate Foreign Relations Committee. I would like to express my misgivings over the precedent of "linking" together these arms sales, and urge you to submit the proposed sales on an unlinked basis.

My concerns are not premised on a prejudgment of the military or political considerations related to any one of these particular sales. Indeed, the Senate Foreign Relations Committee should carefully assess the Administration's case for each of the proposed sales. However, submitting them as a package frustrates the legislative prerogative of the Committee as contemplated by section 36(b) of the Arms Export Control Act of 1971. This law, as you are aware, authorizes the President to submit letters of offer to Congress before they are issued. The intent of this law is clear: it is to provide Congress with the right to examine and review each military sale on its own merit, and if found necessary, to disapprove the sale within 30 days of formal notification.

In the past, letters of offer have always been submitted on an individual basis and have thus assured the Congress the opportunity to review each particular sale. In July 1977, you formally submitted the letter of offer for AWACS to Iran. After a resolution of disapproval was voted by the House International Relations Committee, the letter was withdrawn and resubmitted one month later in modified form.

I believe that the Senate Foreign Relations Committee is prepared to objectively consider the proposed sales on a case-by-case basis. However, in my view, the condition of linking these sales together violates the intent and spirit of the Congressional review procedure. The attempt to "package" them would set a precedent

DECLASSIFIED

DECLASSIFIED

that would thwart the purpose, strictly confine, and thus limit the objective of the legislative review process.

For these reasons, I urge you to reconsider your position and send the letters of offer to the Committee on an unlinked basis.

Sincerely,

Frank

Frank Church

DECLASSIFIED